

REMARKS

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Claims 1-38 are now present in this application. Claims 1, 2, 4, 7, 12, 19, 24, 31, 34, and 37 are independent. Claims 1-4, 7, 10, 12, 19, 24, and 31 have been amended.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

The Examiner has acknowledged the papers submitted under 35 U.S.C. § 119(a)-(d), which have been placed of record in the file.

However, the Examiner states that priority has not been given Korean Patent Application No. 10-2002-074096 because allegedly the application does not claim the same subject matter.

Applicants respectfully disagree because at least claims 34-36 are directed to the subject matter of Korean Patent Application No. 10-2002-074096 filed November 26, 2002.

Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed May 27, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Drawings

The Office Action indicates that the drawings are accepted by the Examiner. No further action is necessary at this time.

Rejection Under 35 U.S.C. § 102

Claims 1, 3, 6, 37, and 38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 20040136680 to Medina et al. ("Medina"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in an optical receiver using a variable optical attenuator including, *inter alia*, "an optical receiving diode provided at one side of the base member, and receiving an optical signal". Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Medina.

Similarly, independent claim 37 is directed to an optical transmitter using a variable optical attenuator including, *inter alia*, "an optical diode mounted at one side of the base member, and emitting an optical signal." Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Medina.

Applicants respectfully submit that Medina discloses two optical fibers 24 and does not teach an optical diode. Therefore, Medina cannot anticipate independent claims 1 and 37. Therefore, the rejection of independent claims 1 and 37 should be withdrawn.

With regard to dependent claims 3, 6, and 38, Applicants submit that these claims depend, either directly or indirectly, from one of independent claims 1 and 37, which are allowable for the reasons set forth above, and therefore claims 3, 6, and 38 are allowable based on their dependence from one of claims 1 and 37.

Reconsideration and allowance thereof are respectfully requested.

Allowable Subject Matter

The Examiner states that claims 2, 4, 5, and 7-33 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the early indication of allowable subject matter in this application. Objected-to claims 2, 4, 7, 12, 19, 24 and 31 have been rewritten into independent form, and should therefore be allowed. Also, claims 5, 8-11, 13-18, 20-23, 25-30, 32, 33 depend, either directly or indirectly, from one of independent claims 4, 7, 12, 19, 24 and 31, and are therefore allowable based on their dependence from one of claims 4, 7, 12, 19, 24 and 31, which are believed to be allowable.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Office Action

The Office Action contains numerous characterizations of the invention, the claims, and the related art, with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Application No. 10/718,806
Amendment dated January 17, 2007
Reply to Office Action of October 17, 2006

Docket No.: 0630-1870P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 17, 2007

Respectfully submitted,

By

 #39,538
Esther H. Chong

Registration No.: 40,953

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicants

CAW